

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Pretty Boy Dam Road, 500' W of the *
c/l Falls Road * DEPUTY ZONING COMMISSIONER
(Dell Property) *
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Steven E. Dell * Case No. 99-252-X
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Steven E. Dell. The Petitioner requests a special exception to permit a horticultural nursery and landscape service operation on the subject property, zoned R.C.4. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Steven E. Dell, property owner, Sandra L. Dell, Edward L. Dell, and Patricia C. Shaffer. Also appearing in support of the request was Bruce Doak, Professional Land Surveyor who prepared the site plan of this property. Appearing as an interested citizen was Thomas P. Wolfe, who resides adjacent to the subject property on Bushland Road. No one appeared in opposition to the request.

Testimony and evidence offered revealed that the subject property consists of a gross area of 12.635 acres, more or less, zoned R.C.4 and is presently unimproved. The property is located on the south side of Pretty Boy Dam Road, just west of its intersection with Falls Road in northern Baltimore County. The Petitioner is desirous of developing the property with a single family dwelling for himself, and in addition, wishes to use a portion of the site for a landscape

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Date

By

service operation and horticultural nursery. Testimony revealed that Mr. Dell has been in the landscaping business for the past 12 years and has apparently operated from another location. However, he recently purchased the subject property and would like to relocate his business to the subject site, as well as establish his residency thereon. At the present time, the Petitioner proposes to construct a 20' x 96' greenhouse and a 54' x 90' storage barn towards the rear portion of his property. All of his landscaping equipment, supplies and materials will be stored within the storage barn and the greenhouse will be used for the purpose of growing plants and materials used in his landscaping business. However, there will be no retail sales of plants or materials from the subject site. Mr. Dell has also set aside a 10,000 sq.ft. area for storing landscaping equipment and supplies, such as mulch and topsoil, used in his business. Testimony indicated that at times, the Petitioner does store topsoil, mulch, and other items used in his landscaping business. However, Mr. Dell believes that his property is large enough to accommodate the use proposed and is therefore requesting a special exception to permit same.

It should be noted that the Petitioner requested the special exception use for the entire 12.635-acre parcel; however, as the site plan shows the Petitioner's business is proposed to be located on the rear half of the subject property, some 550 feet back from Pretty Boy Dam Road. Mr. Dell indicated that he has situated his business towards the rear portion of the site so as to remove it as far away as possible from Pretty Boy Dam Road. Thus, a special exception for the entire site is not necessary, merely that area on the property that will be dedicated for use in conjunction with the landscape service operation and horticultural nursery.

As noted above, Mr. Thomas Wolfe, who resides adjacent to the subject property on Bushland Road, appeared out of concern inasmuch as the subject property is in plain view from his house. While he is not opposed to the granting of the special exception, Mr. Wolfe believes

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Date 3/8/99
By [Signature]

that relief must be fashioned in a manner that will protect against the future expansion of such use and insure that the landscape service operation remains in character and keeping with the surrounding residential properties.

I concurred with Mr. Wolfe's concerns and requested that the Petitioner submit to me an itemized list of all of the major equipment used in his landscaping business. The purpose of this inventory is to establish a baseline of Mr. Dell's operation at this time, which in turn will provide the basis for regulating any future expansion of his business.

Subsequent to the hearing, Mr. Doak submitted a revised site plan reflecting some minor alterations to the original plan, including an enlarged storage building and covered (roofed) storage area. As discussed at the hearing, a special exception for the entire 12-plus acre parcel is not necessary; only that area of the property that will be utilized in conjunction with the landscape service operation and horticultural nursery requires a special exception.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.4 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated

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By

with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted. However, given the concerns raised by Mr. Wolfe as to the future expansion of the special exception, a great number of conditions and restrictions will be imposed upon the Petitioner to insure that the proposed use remains compatible with the surrounding residential uses. Moreover, this Deputy Zoning Commissioner has drawn a red line on the revised site plan to show that the special exception use will be limited to that area of the property south of this red line. All that land north of the red line shall be limited to residential and/or agricultural uses, consistent with the property's R.C.4 zoning classification.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the deputy zoning Commissioner for Baltimore County this 8th day of March, 1999 that the Petition for Special Exception for a horticultural nursery and landscape service operation on the subject property, zoned R.C.4, in accordance with the revised site plan marked as Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware

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Date

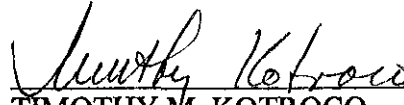
By

that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The special exception relief granted herein shall be limited to that area south of the red line drawn by this Deputy Zoning Commissioner on the revised site plan, which has been marked as Petitioner's Exhibit 1A. All of that land located to the north of that red line shall be used by the Petitioner for residential and/or agricultural purposes, only, subject to the R.C.4 zoning requirements
- 3) The special exception granted herein is limited to Mr. Steven E. Dell and his lineal heirs. The landscape service operation and horticultural nursery currently operated by Mr. Dell is a family-owned and operated business that he wishes to relocate to the subject site. Thus, the granting of the special exception relief shall be limited to Mr. Dell and his children. The special exception may not be transferred to a third party. In the event Mr. Dell sells the landscape service operation and horticultural nursery business, then the special exception relief granted herein shall cease and terminate and the business will have to be relocated. As noted above, the special exception can be passed on to Mr. Dell's lineal heirs; however, it shall not be sold or transferred to a third party.
- 4) All commercial equipment used by Mr. Dell in conjunction with his landscape service operation and horticultural nursery shall be stored within the proposed 54' x 90' storage building. Large trucks and/or dump trucks used by Mr. Dell may be parked outside that building, but must be parked alongside the western wall of that building, which should shield those trucks and equipment from the view of most neighbors. Mr. Dell indicated at the hearing that he intends to construct a lean-to on the western wall of that building in order to provide a covered storage area for the larger vehicles; however, he may not be able to do so for some time for financial reasons. In the meantime, the larger trucks that cannot be stored within the storage building shall be parked along the western wall of that building.
- 5) The Petitioner shall be permitted to store and maintain within the special exception area all of the equipment listed on the inventory supplied by him to this Deputy Zoning Commissioner. Mr. Dell was very specific when he listed all of the major equipment that he owns. This equipment list shall be attached hereto as Exhibit A and made a part of this Order. Mr. Dell shall be permitted to keep all of the equipment listed on his inventory and replace same as necessary; however, there shall be no expansion or additional equipment added to his business without

obtaining prior written approval from this Deputy Zoning Commissioner.

- 6) There shall be no retail sales of any plants, flowers, or landscaping materials from the subject property. All plants and materials stored on the property shall be limited to use by Mr. Dell in his landscaping business.
- 7) The 10,000 sq.ft. storage area which has been set aside by the Petitioner for storing landscaping supplies and materials, such as topsoil and mulch, shall be screened from all adjacent residentially zoned properties, pursuant to Section 404.1.C of the B.C.Z.R. Therefore, Mr. Dell shall be required to submit for review and approval by Mr. Avery Harden, Landscape Architect for Baltimore County, a landscape/screening plan depicting the manner in which he proposes to screen the storage area of landscaping materials.
- 8) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 2, 1999

Mr. Steven E. Dell
17515 Masemore road
Parkton, Maryland 21120-9751

RE: PETITION FOR SPECIAL EXCEPTION
S/S Pretty Boy Dam road, 500' W of the c/l Falls Road
(Dell Property)
7th Election District – 3rd Councilmanic District
Steven E. Dell - Petitioner
Case No. 99-252-X

Dear Mr. Dell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Towson, Md. 21286

Mr. Thomas P. Wolfe
17500 Bushland Road, Parkton, Md. 21120

People's Counsel; Case File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at the south side of Peattysburg Dam Rd 500' W of Falls
which is presently zoned RC 4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a horticultural nursery and landscape service operation.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Steven E Dell
Name - Type or Print

Signature

Name - Type or Print

Signature

17515 Masemore Road (410) 574-6309
Address Telephone No.

Parkton, Maryland 21120 9751
City State Zip Code

Representative to be Contacted:

Bruce E Doak
Gerhold, Cross & Etzel
Name

320 E. Towson Town Blvd. (410) 823-4470
Address Telephone No.

Towson, Maryland 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By Jum Date 12-17-98

252

ORDER RECEIVED FOR FILING

Case No. 99-252-X

Date 09/15/98

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

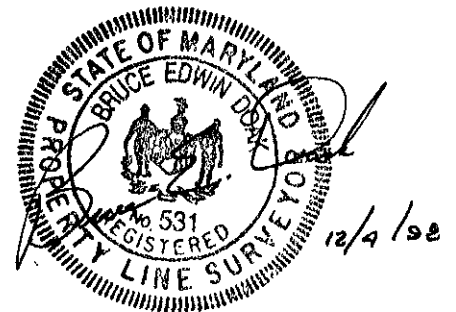
December 04, 1998

Zoning Description
Dell Property
Prettyboy Road

Beginning for the same on the south side of Prettyboy Dam Road, 500 feet more or less, West of of the the centerline of Falls Road, running thence on the south side of Prettyboy Dam Road 1) South 76 degrees 27 minutes 39 seconds East 409.89 feet, thence leaving the south side of Prettyboy Dam Road and running 2) South 04 degrees 57 minutes 52 seconds West 344.80 feet, 3) South 00 degrees 32 minutes 29 seconds West 201.00 feet, 4) South 25 degrees 08 minutes 45 seconds West 199.38 feet, 5) South 14 degrees 49 minutes 35 seconds East 487.12 feet, 6) South 79 degrees 04 minutes 58 seconds West 174.77 feet, 7) North 44 degrees 34 minutes 50 seconds West 587.25 feet, 8) North 04 degrees 54 minutes 22 seconds East 730.07 feet, 9) South 76 degrees 42 minutes 38 seconds East 100.00 feet and 10) North 04 degrees 54 minutes 22 seconds East 203.00 feet to the place of beginning;

Containing 12.635 Acres of land, more or less.

252



99-252-X

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/7/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/7/, 1999.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-252-X
S/S Pretty Boy Dam Road,
500' (+/-) W of centerline
Falls Road
7th Election District
3rd Councilmanic District
Legal Owner(s): Steven E. Dell

Special Exception: for a horticultural nursery and landscape service operation.

Hearing: Monday, January 25, 1999 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-4386.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

1/009 Jah. 7 C282495

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 062411

DATE 12-17-98 ACCOUNT Feed 1150

AMOUNT \$ 300.00

RECEIVED FROM: S. DELL - Montgomery Co. Bldg.

FOR: (OSC) SP-X.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

J. Kim

PAID RECEIPT

PROCESS	ACTUAL	TIME
12/18/1998	12/17/1998	14:15:14
RE: MS06	CASHIER WILLIAMS	DRUMER
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	058744	OPEN
CR NO.	062411	
300.00 CHECK		
Baltimore County, Maryland		

99-252-X

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE Case No. 99-252-X

Petitioner/Developer BRUCE DOAK, ETAL
G, C. & E.

Date of Hearing/Closing 1/25/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at S/S PRETTYBOY DAM RD
300' W. FALLS RD

The sign(s) were posted on 1/7/99
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/17/99

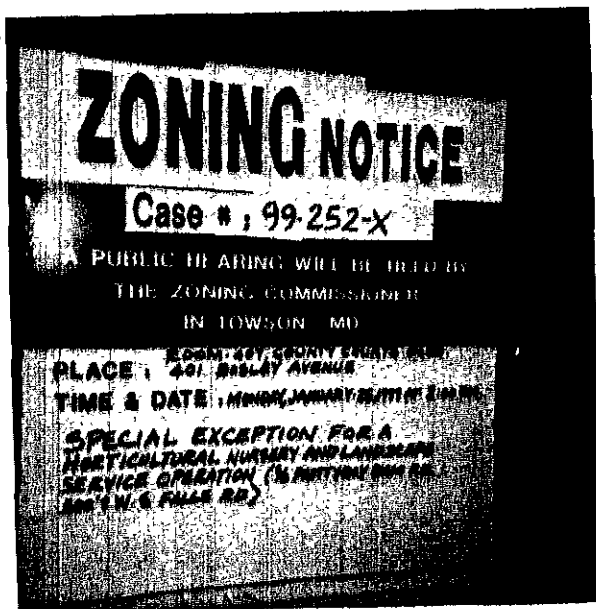
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



99-252-X
S/S P.B. Dam Rd. @ 300' W. FALLS

11-1-1999

RE: PETITION FOR SPECIAL EXCEPTION
Prettyboy Dam Road, S/S Prettyboy Dam Rd,
500' +/- W of c/l Falls Rd, 7th Election District,
3rd Councilmanic

Legal Owners: Steven E. Dell

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-252-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontowne Blvd., Suite 100, Towson, MD 21286, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 23, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-252-X
S/S Pretty Boy Dam Road, 500' (+/-) W of centerline Falls Road
7th Election District – 3rd Councilmanic District
Legal Owner: Steven E. Dell

Special Exception for a horticultural nursery and landscape service operation.

HEARING: Monday, January 25, 1999 at 2:00 p.m. in Room 407, County Courts
Building, 401 Bosley Avenue



Arnold Jablon
Director

c: Steven E. Dell
Gerhold, Cross & Etzel

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 10, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
January 7, 1999 Issue – Jeffersonian

Please forward billing to:

Steven E. Dell
17515 Masemore Road
Parkton, MD 21120

410-374-6309

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-252-X

S/S Pretty Boy Dam Road, 500' (+/-) W of centerline Falls Road

7th Election District – 3rd Councilmanic District

Legal Owner: Steven E. Dell

Special Exception for a horticultural nursery and landscape service operation.

HEARING: Monday, January 25, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: ~~99-252-X~~ 252

Petitioner: Steven E Dell

Address or Location: 55 Prettybay Dam Road 500' west of Falls Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steven E Dell

Address: 17515 Hagemore Road
Parkton, Maryland 21120

Telephone Number: (410) - 374 - 6309

Revised 2/20/98 - SCJ

99-252-X

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-252X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL EXCEPTION FOR A
HORTICULTURAL NURSERY AND LANDSCAPE
SERVICE OPERATION-

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 20, 1999

Mr. Bruce E. Doak
Gerhold, Cross & Etzel
320 E. Towsontown Boulevard
Towson, MD 21286

RE: Item No.: 252
Case No.: 99-252-X
Location: S/S Prety Boy Dam Road
500'+/- W of c/l Falls Road

Dear Mr. Doak:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on December 17, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: January 11, 1999

TO: Arnold Jablon
FROM: R. Bruce Seeley *ABS/gp*
SUBJECT: Zoning Item #252

Dell Property - Prettyboy Dam Road

Zoning Advisory Committee Meeting of December 28, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X GWM: Soil evaluations must be conducted should plumbing be install in the greenhouses. Contact GWM for more information at 410-887-2762.

Jim
1/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: January 7, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 246, 248, and 252

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffrey W. Long

AFK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 29, 1998

FROM: Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 28, 1998
 Item No. 252

 The Bureau of Developer's Plans Review has reviewed the subject zoning item. Adequate line of sight at the proposed point of access shall be available.

RWB:HJO:jrb

cc: File

ZONE1228.252



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

December 31, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Steven E. Dell

Location: DISTRIBUTION MEETING OF December 28, 1998

Item No.: 252 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 12.28.91

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 252

JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE DOAN - GERHOLD, CROSS & ETEEL, LTD 320 E. TOWSONTOWN BLVD. TOWSON, MD. 21286

STEVEN E DELL 17515 MASEMORE RD PARKTON MD 21120

SANDRA L. DELL

17515 MASEMORE RD. PARKTON, MD 21120

PATRICIA C. SHAFFER

17515 MASEMORE RD PARKTON MD 21120

Edward P Dell

17515 Masemore RD Parkton MD. 21120



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

THOMAS D. WOLFE

ADDRESS

17500 BUSHLAND RD

PARKTON, MD 21220



LETTER OF TRANSMITTAL

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100

320 East Towson Town Boulevard

Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473

Jim
99-252-X

TO: <u>OFFICE OF THE ZONING COMMISSIONER</u>	RE: <u>DELL SPECIAL HEARING</u>
<u>4TH FLOOR</u>	
	DATE: <u>1/28/99</u>
	PHONE:
ATTN: <u>TIM K.</u>	FAX:

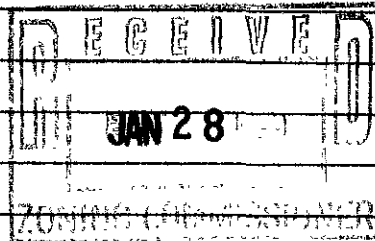
TRANSMISSION VIA: ☐ FAX ☒ DELIVERY ☐ MAIL

WE ARE TRANSMITTING: ☐ ATTACHED ☐ UNDER SEPARATE COVER VIA _____ THE FOLLOWING ITEMS:

☐ PROPOSAL ☐ PRINTS ☐ PLANS ☐ DESCRIPTION(S) ☐ LOCATION DRAWINGS

☐ COPY OF LETTER ☐ ORIGINAL TO FOLLOW ☐ _____

QTY	DATE	ITEM	DESCRIPTION
2	1/26/99	BLUEPRINT	REVISED PLAT TO ACCOMPANY A PETITION



WE ARE TRANSMITTING:

- | | | |
|---|--|--|
| <input type="radio"/> FOR APPROVAL | <input type="radio"/> APPROVED AS SUBMITTED | <input type="radio"/> RESUBMIT _____ COPIES FOR APPROVAL |
| <input checked="" type="radio"/> FOR YOUR USE | <input type="radio"/> APPROVED AS NOTED | <input type="radio"/> SUBMIT _____ COPIES FOR DISTRIBUTION |
| <input checked="" type="radio"/> AS REQUESTED | <input type="radio"/> RETURNED FOR CORRECTIONS | <input type="radio"/> RETURN _____ CORRECTED PRINTS |
| <input checked="" type="radio"/> FOR REVIEW AND COMMENT | <input type="radio"/> _____ | |

COMMENTS: THIS PLAT SHOWS AN ENLARGED BUILDING AND A ROOFED STORAGE AREA TO HOLD THE EQUIPMENT. PLEASE CALL ME WITH ANY QUESTIONS OR COMMENTS YOU MAY HAVE.

C.C. _____

Brian E. D...
SIGNED



BLUEMOUNT NURSERIES
2103 BLUE MOUNT RD
MONKTON MD 21111
PHONE - 410 329 6226
FAX - 410 329 8120 OR
888 283 2915

NAME: Tim K. COMPANY: _____
FAX # 410 887-3468 PHONE # _____

FROM: Steven Dell
DATE: 1/26/99 # OF PAGES 3 with cover
PLEASE CONTACT US IF THERE IS A PROBLEM WITH THIS TRANSMISSION.
VISIT OUR WEBSITE AT www.bluemount.com

*List of equipment and building.
If you have any questions please me at
410 374-6309 - home*

STEVE DELL

Tim K.

1/26/99

Commissioner -

During the hearing on Monday, January 25th you had asked about final building size and I had misunderstood what you were asking. After talking with Mr Bruce Deak, I believe I have come up with more accurate information.

The original building that was proposed for storage of the equipment would have been sufficient. However, after discussing keeping the trucks inside, I would like to ask for a larger size building with a lean-to included. As of right now I don't have the monies available to erect the lean-to, but will do so as they become available. With these revisions, I am certain this will meet your requirements of having everything enclosed or undercover and out of plain view.

The building and lean-to I am proposing is as follows: Building 54x90 Lean-to 25x40
These dimensions have been given to Bruce and he will be furnishing you with a new plot

Sorry for the misunderstanding

Steven E. Dell
Thank You
Steven E. Dell

Commissioner Tim K.

Here is the list of all of the major pieces of my equipment.

- 1986 IH S 1700 flat bed dump
- 1987 F350 4x6, diesel, 137 wheel base compact dump with plow
- 1986 F350 4x6, gas. 137 wheel base compact dump with plow
- 2 - 1986 F350 4x2, crew cab (pick up), gas
- 1978 F350 4x4, gas, pickup with utility bed and plow
- 1996 8x20 Pequea trailer with gates
- 1996 6x14 Pequea trailer with gates
- 1998 8x18 Pequea trailer with gates
- 1984 6x16 utility trailer for skidsteer loaders (bobcat)
- 1992 8x18 Pennstyle landscape trailer with gates
- 2 - 1986 F935 John Deere front cut 72" riding mowers
- 1997 Ransome Bobcat mower, 61" rider
- 1996 John Deere skid loader, 7775 with 3 buckets
- 1997 John Deere skid loader, 5575 with 3 buckets
- 1986 John Deere 950 4x4, utility tractor - 22hp with loader and backhoe
- 1982 John Deere 2040 4x2 tractor with power rake and mower
- 1969 chipper
 - straw blower
 - leaf sucker

In the near future I will be looking to purchase the following:

- Mini excavator, 22hp with an 8' dig
- Hydro seeder, 1000 gal

Personal trucks and trailers

- 1988 F350 crew cab (pick up), 4x4, diesel
- 1997 F350 crew cab (pick up), 4x4, diesel
- 1989 8x18 enclosed Haulmark snowmobile trailer
- 1990 8x26 enclosed East snowmobile trailer

Hope this information is satisfactory.

Thank You,

Steven E Dell

January 29, 1999

Timothy Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue
Room 405
Towson, Maryland 21204

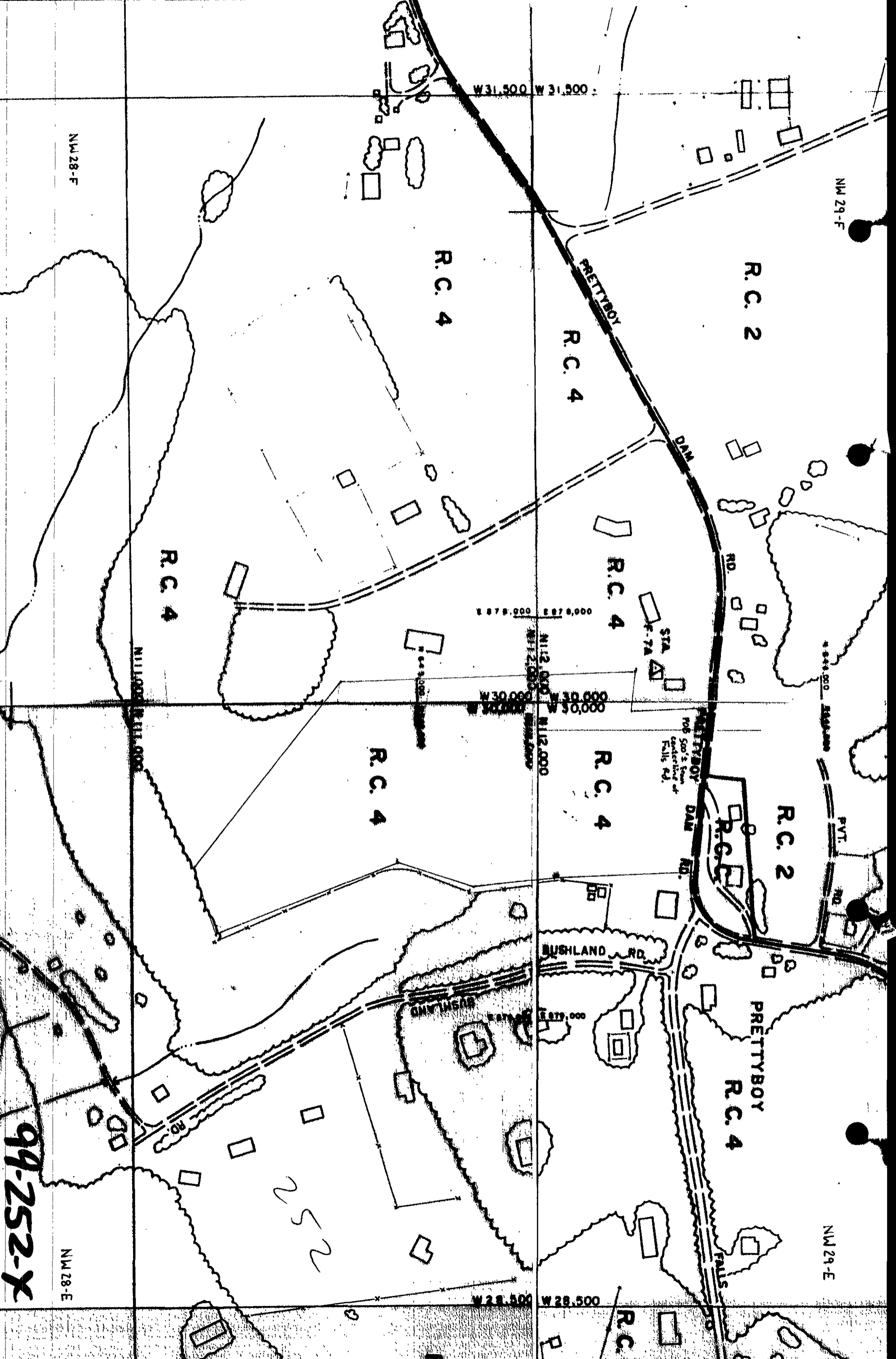
Dear Mr. Kotroco:

We are writing to you concerning the proposed change in the zoning for Case 99-252X located on Prettyboy Dam in Northern Baltimore County. This property is north of where we live by approximately 1/4 of a mile on the same side of the road. It is 12 acres, completely open, with a lovely view and about 1/2 mile the old Prettyboy Dam Bridge. George and I are very concerned about the change in zoning for the reasons listed below:

- * This location is watershed property and not a commercial site. A nursery requires a lot of water which concerns us due to the need for well water and the additional drain on our well. It will also take away the ambiance of this pristine beauty of the land with the various required buildings and equipment.
- * There are at least two nurseries in the immediate area. One is located at Mt. Carmel Road and Bush Mill Rd and the other is about 3 miles north-west on Falls Road just down from Mt. Carmel.
- * Traffic will increase substantially. Prettyboy Dam Road is very busy during the spring, summer and fall with lots of visitors that fish, bike rider and picnic.

Thank you for your consideration in this matter.

Laura Rew / Mrs.
George and Laura Rew
17509 Prettyboy Dam Road
Parkton, Maryland 21120
410-329-2146



NW 29-F

NW 29-E

R.C. 2

R.C. 2

PRETTYBOY
R.C. 4

PRETTYBOY
R.C. 4

R.C. 4

R.C. 4

R.C. 4

R.C. 4

R.C. 4

NW 28-F

NW 28-E

W 31,500 W 31,500

E 878,000 E 876,000

N 112,000 W 30,000
N 112,000 W 30,000
N 112,000 W 30,000

N 111,000 W 111,000

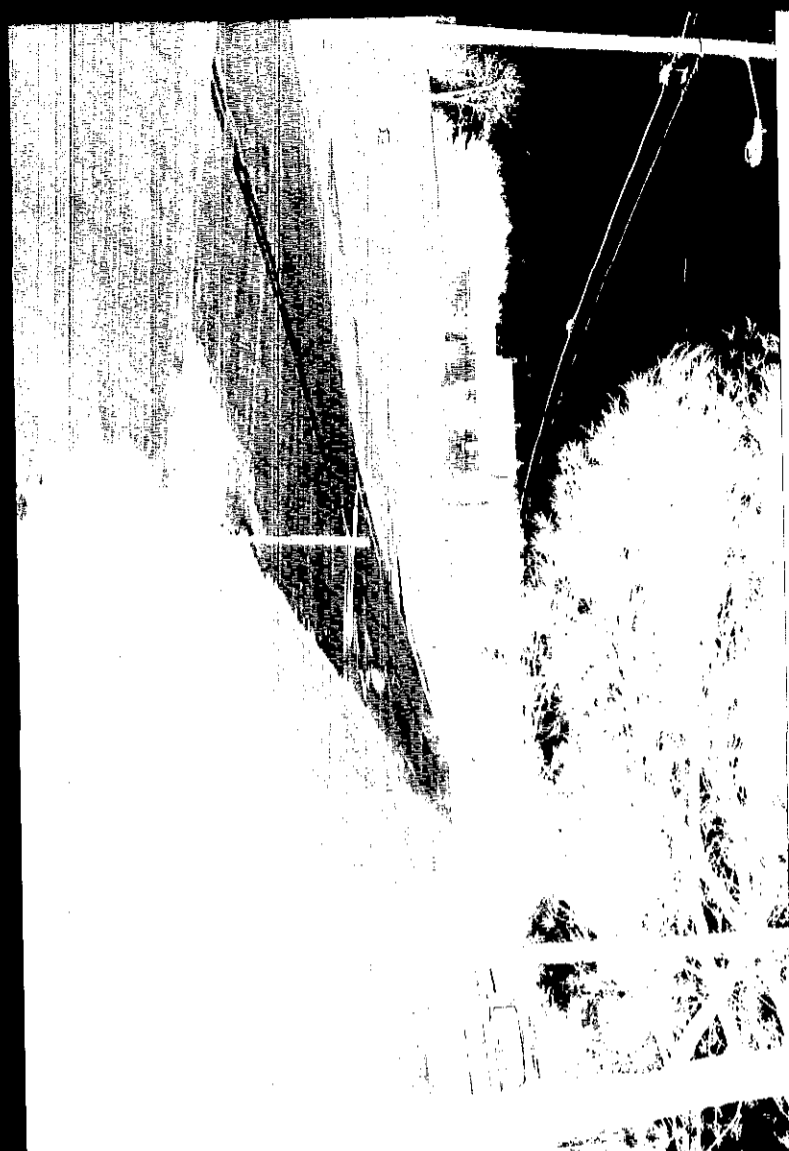
BUSHLAND RD.

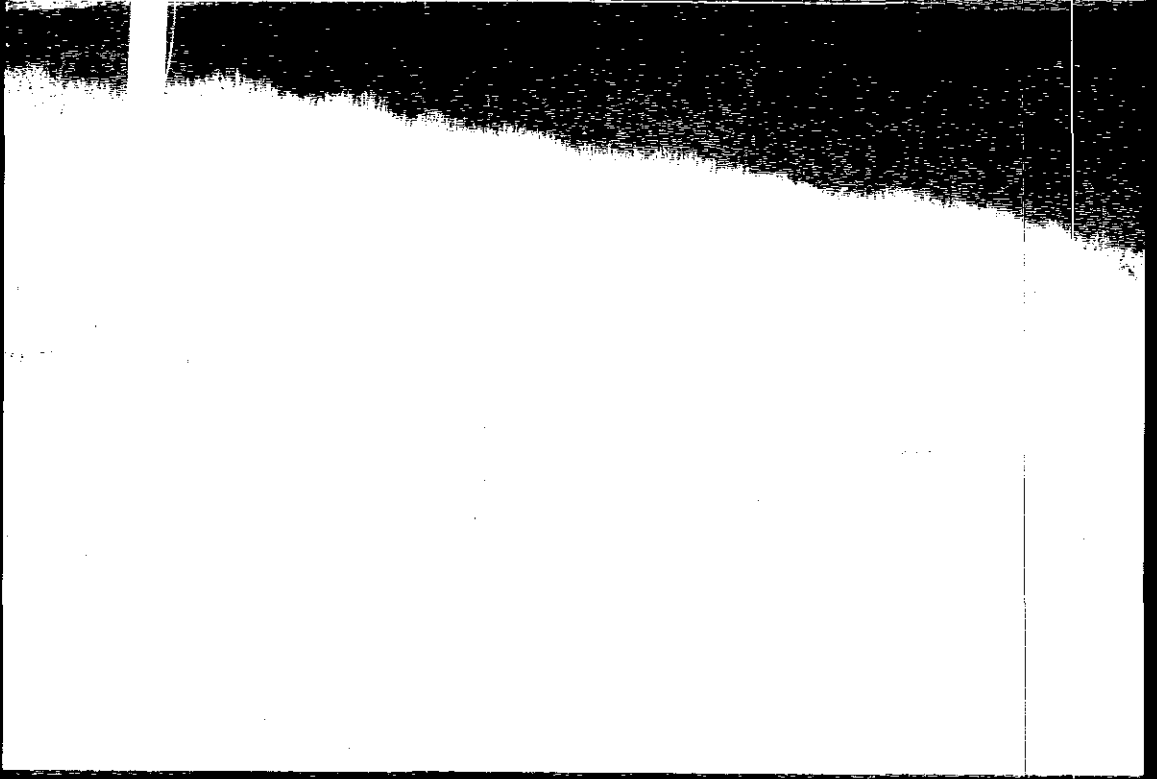
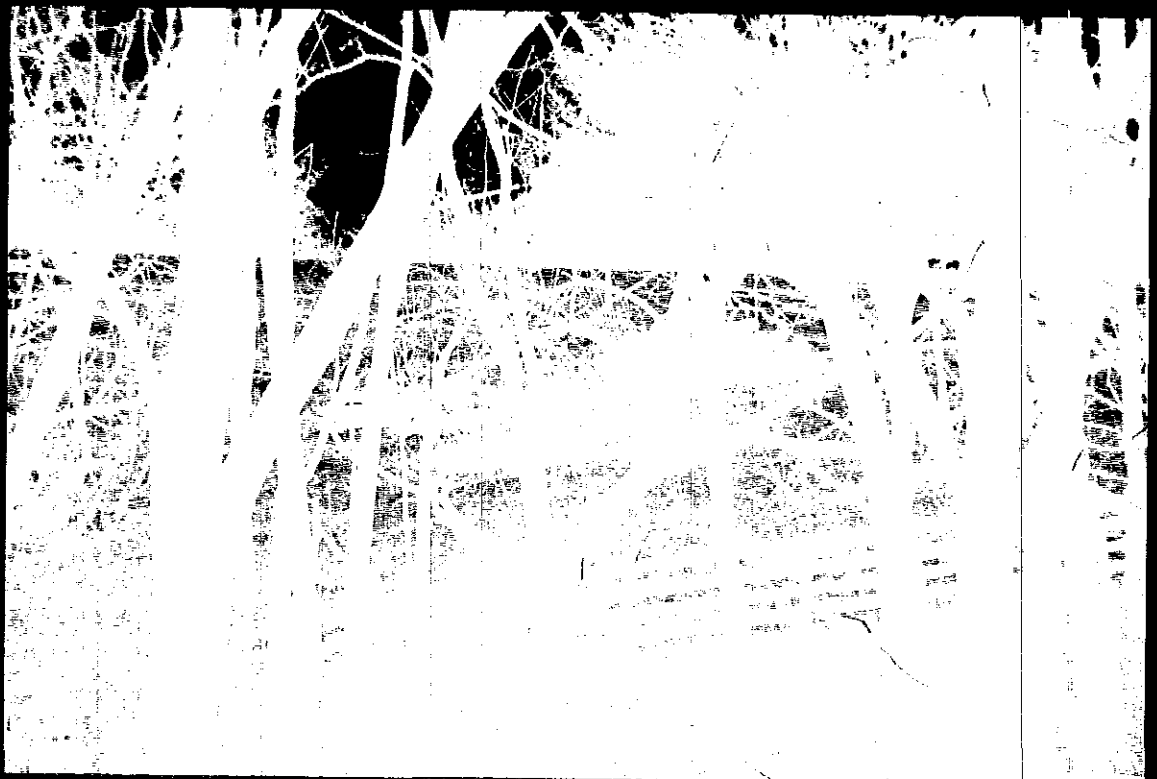
FALLS

STATION 7A
POB 500's from
centerline of
Falls Rd.

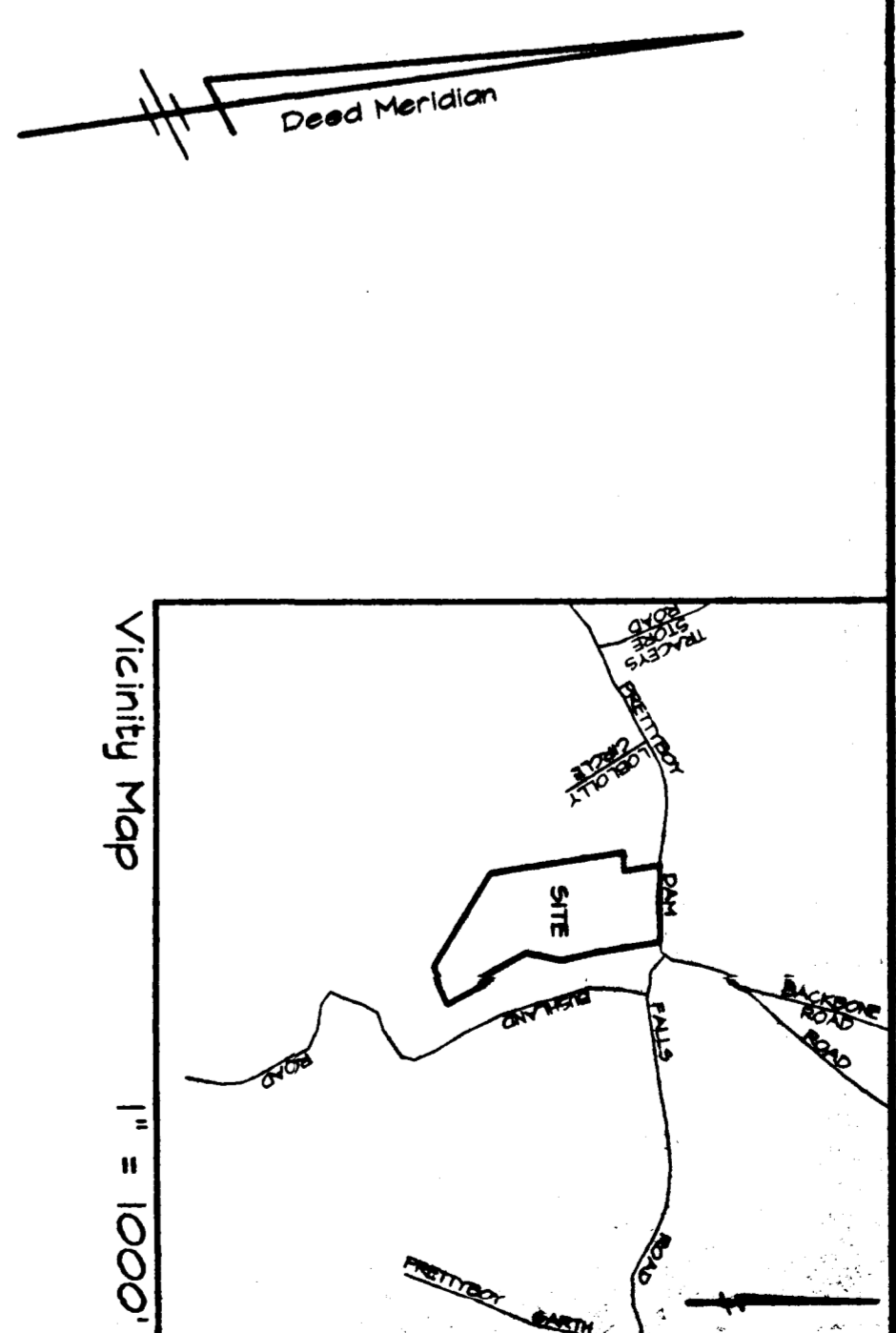
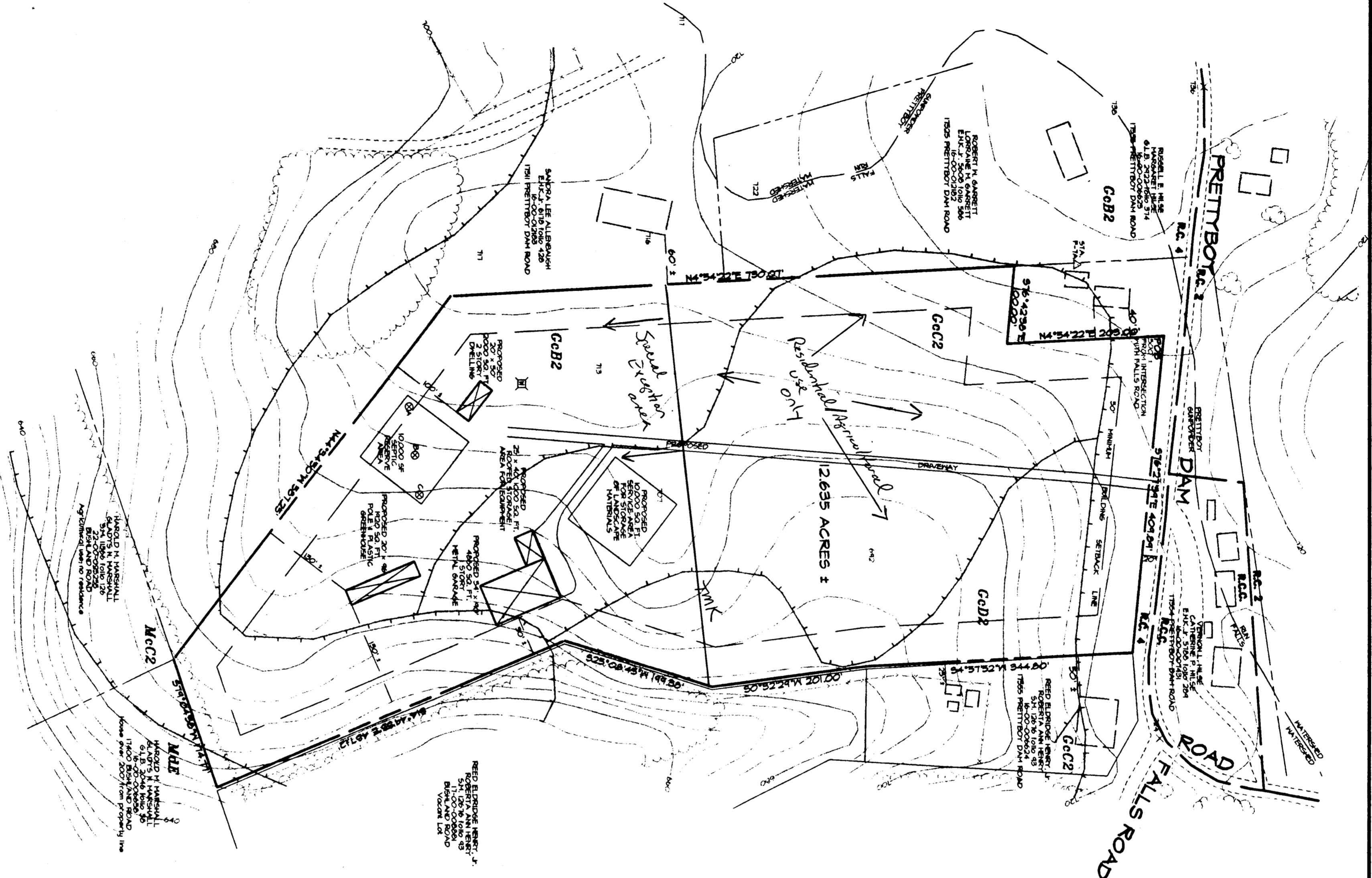
99-252-X

252





-Photographs
99-252-X



- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM THE DESCRIPTION IN THE DEED, & BEER 1940 1940 1940.
 2. THE TOPOGRAHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY 200 SCALE.
 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY 200 SCALE.
 4. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY 200 SCALE.
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 9. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY 200 SCALE.
 10. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY 200 SCALE.

PETITION FOR SPECIAL EXCEPTION
TO ALLOW A HORTICULTURAL, NURSERY AND LANDSCAPE SERVICE OPERATION IN A R.C. 4 ZONE.

Revised Petition's Exhibit #1

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION OF THE DELL PROPERTY

PRETBOY DAM ROAD
DELL R&B, 514 No. 1044, 1044 536
Tax Account No. 16-00-007376
Tax Map 21, Grid 5, Parcel 153
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

OWNER
STEVAN E. DELL
1044 PRETBOY DAM ROAD
PARKTON, MARYLAND 2120-4751
(410) 374-6504

Scale: 1" = 100' NOVEMBER 04, 1998

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
320 East Tompkinson Boulevard
Suite 100
Towson, Maryland 21206
(410) 825-4470

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HORSESHOE MANUREMENT	STREETS & PARKING
CGB2	Slight	Slight	Horizontal slope
GcC2 MLC2	Horizontal slope	Horizontal slope	Severe slope
CGB2 MLC2	Severe slope	Severe slope	Severe slope

SYMBOLS LEGEND

- PROPOSED PERS. TEST
- PROPOSED WELL AREA
- PROPOSED BUILDINGS
- EXISTING DWELLING
- SOIL LINE
- PROPOSED PAVING
- EXISTING PAVING
- ZONE LINE
- CONTOURS
- SLOPES > 20%